

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : Nikolay Zheludev et al.

Appln. No.: 09/937,736

Filed : September 28, 2001

For : TRANSMITTING AND RECEIVING
APPARTUS

Docket No.: H48.12-0001

ATTN: PCT LEGAL
OFFICE

Examiners:
D. Brittingham
R. Cole

RENEWED PETITION UNDER 37 CFR § 1.47

EXPRESS MAIL NO. EV178016540US
DATE OF DEPOSIT: May 30, 2003

ATTN: PCT LEGAL OFFICE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

01 OCT 2003

International Division

Sir:

This renewed petition now submitted under 37 CFR § 1.47(a) is submitted in response to the decision on the original petition under 37 CFR § 1.47(b) mailed 2 December 2002.

It is respectfully requested that the papers found to be adequate and which accompanied the original petition be considered in connection with this renewed petition.

The original petition was dismissed on the basis that there had been no indication that a delivery of the application papers was ever attempted on either Nikolay Zheludev or Boris Kokorin. One of the inventors has now reconsidered and rescinded his previous refusal to sign the Declaration and has signed the Declaration.

Accompanying this renewed petition are the following documents:

1. A Combined Declaration and Power of Attorney in National Stage of PCT Application executed by Inventor Nikolay Zheludev on April 29, 2003 identifies the

application as to which this petition is being filed by Serial Number and filing date, and also identifies the PCT International Application on which this U.S. National Stage application is based by Serial Number and filing date.

2. A Declaration by Michael Jon Kearns signed 23 May 2003 providing a statement of facts, showing that he traveled to South Africa, and met with Inventor Mr. Boris Kokorin, a person known to him, and that Mr. Kearns personally presented to Mr. Kokorin the complete International Application now identified as U.S. Application Serial No. 09/937,736, including the drawings and Declaration, and made the specific request that Mr. Kokorin sign the Declaration attached to the complete application. Mr. Kearns declares that Mr. Boris Kokorin refused to sign the Declaration after the complete application was presented to Mr. Kokorin.

Therefore, it is petitioned under 37 CFR § 1.47 that this application Serial No. 09/937,736 should be accorded its filing date and that examination should proceed, in that one of the co-inventors has now signed the Declaration and such Declaration is enclosed.

The Declaration of Michael Jon Kearns provides factual proof that the other non-signing inventor, namely Boris Kokorin, refused to execute the application, after the complete application, including the Declaration, drawings and specification, were personally presented to him.

A request for a four-month extension of time, together with the required fee, is enclosed herewith.

As evidenced by the Declaration of Mr. Kearns, Mr. Boris Kokorin was located in South Africa. His last known

permanent address is as previously given to the best of the undersigned's information. His address in South Africa, as known, is:

Boris I. Kokorin
Durban, South Africa

It is requested that, if needed, the signature of the signing co-inventor be accepted as also signing the application on behalf of the non-signing inventor, Boris Kokorin.

Favorable action is respectfully requested. If further fees are necessary, please charge the undersigned attorney's Deposit Account No. 23-1123 for such fees.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Nickolas E. Westman, Reg. No. 20,147
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

NEW:tas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nikolay Zheludev et al
Serial No.: 09/937,736
Filed : September 28, 2001
For : TRANSMITTING AND RECEIVING
APPARATUS
Docket No.: H48.12-0001

Group Art Unit:
Examiner:

**STATEMENT OF FACTS AND DECLARATION RELATING TO
REFUSAL OF NONSIGNING INVENTOR TO SIGN PATENT
APPLICATION DECLARATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Michael Jon Kearns, a citizen of the United Kingdom, and residing at Le Mottee, La Rue Du Muet, St John, Jersey JE3 4ED, Channel Islands, declare as follows:

In April 2003, I was scheduled to travel to South Africa, and Mr. Rupert Cross, a patent attorney whom I know, became aware of my intended travels. He contacted me and asked if I would attempt to contact a Mr. Boris Kokorin, and present him with a United States Patent Application, and request that he sign a Declaration identifying this application for filing in the United States Patent and Trademark Office.

I was told that Mr. Boris Kokorin, formerly was employed by Hex Technology Holdings in the United Kingdom, and was living in Durban, South Africa.

I was provided with a complete patent application identified as No. PCT/GB00/0199, together with six (6) sheets of drawings consisting of Figures 1a, 1b, 2, 3, 4, 5, 6 and 7, together with a paper attached to the application and entitled "COMBINED DECLARATION AND POWER OF ATTORNEY IN NATIONAL STAGE OF PCT APPLICATION". This Combined Declaration included a reference to a U.S. Patent Application Serial No. 09/937,736, filed September 28, 2001, and also to a PCT International Application, PCT/GB00/01199, filed on March 29, 2000. I contacted a colleague of Mr. Kokorin's, Cameron Scott, by

telephone, and arranged for a meeting with him and Mr Kokorin in person at the Beverly Hills Hotel in Durban, South Africa on 28 April, 2003.

I have known Boris Kokorin for some years and confirm that he is the same Boris Kokorin that was named as an inventor on the International Application PCT/GB00/01199, and U.S. Application Serial No. 09/937,736, a copy of which I presented to him and requested that he sign the attached Declaration.

Mr. Boris Kokorin refused to sign the Declaration after the complete application, including the drawings and Declaration, was presented to him.

DECLARATION

I declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, appearing to read "Michael J Kearns", followed by a long horizontal flourish.

Date: 23 May 2003

By: Michael J Kearns
Le Mottee
La Rue Du Muet
St John
Jersey
JE3 4ED
Channel Islands